

move to end the trial it was learned today would have been satisfied with the confession of James B. McNamara. They thought that would be sufficient vindication for the prosecution, but the state officials thought otherwise.

The committee of business men argued and argued, but District Attorney John D. Fredericks was obstinate. It was a plea of guilty by both brothers at this time that he contended for or a continuation of the trials.

"That was my ultimatum," said the District Attorney today, "and the committee of business men, who were practically the go-betweens, persuaded the defense that it was the last straw."

"Just ten days," explained Mr. Darrow, "we talked with the McNamara brothers about pleading, but only in the last few days did the thing come to a climax."

"How did they feel about the matter?" "Well, they accepted their fate with resignation, but felt glad, I think, that they had averted a possible death penalty for one of them."

Attorney Darrow declared that as the parole laws covered these cases of the McNamaras, John J. might be out after serving a brief term. As for James B., with a life imprisonment sentence, the situation would be more difficult.

"Fredericks's statement concerning Steffens is completely his own conjecture," Darrow continued. "It is not true."

"Did you put Steffens on?" some one asked.

"I did not," said Darrow. "He acted entirely on his own initiative and authority so far as the defense is concerned. We did not get him to do what he did."

Never Told Gompers Men Were Innocent

Friends of Mr. Darrow fear that he is on the verge of a physical breakdown. In the last few nights he has tossed about restlessly in his sleep and he has eaten little. Never before, he admitted today, had he encountered so terrible a strain. He was optimistic about his health, however, saying he had faith in his strong constitution. Once during the day, when he was reminded of the attacks which he assumed to be aimed at him in comments of labor leaders, he said:

"I never told Samuel Gompers or any one else that J. B. McNamara was innocent. I always have believed, however, that John J. was innocent. I learned of his connection with the Llewellyn explosion. What information I received about the McNamara case probably came from the accused men themselves."

Mr. Darrow declared, furthermore, that he originally did not want to defend the McNamaras, but had been persuaded to do so by labor leaders. Even on learning of their guilt later, he said, he felt he was right in saving human life. Mr. Darrow does not believe in capital punishment.

Fredericks Says Defense Gave In.

District Attorney Fredericks gave a full account today of the negotiations leading up to the plea of guilty entered in the McNamara murder trial. He declared that in making the agreement whereby James B. McNamara pleaded guilty to murder and John J. McNamara pleaded guilty to dynamiting the Llewellyn Iron Works, counsel for the defense came to his terms and that outside influence did not prevail upon him.

Mon. of standing in the community, he said, had been "up against him" with pleas that in the interests of peace and society James B. McNamara be allowed to plead guilty and that the case against his brother, John J., be dropped. These pleas, he declared, he steadfastly rejected. "I told them I was not running society," he said. "Some of the men, after talking it over, expressed their willingness to let me handle the matter in my own way."

Fredericks declared that since July he had had an offer from the defense to let James B. McNamara plead guilty to save John J. McNamara. He added:

"A month ago Darrow and I were talking in court half seriously about it. The court stopped proceedings, so we quit. That afternoon Darrow came to me and made virtually the same offer and I refused to accept it."

"If you ever change your mind let me know," Darrow said to him. Then Darrow and Lincoln Steffens got together and Steffens went downtown to get men to come to me to urge me to agree to Darrow's proposal. The matter was put to me, but I refused to consider it and they did not urge me. Two days later some of them gave me a repetition statement and it was practically the same thing."

It was at this juncture District Attorney Fredericks says he told them he was not "running society." He continued:

"I said I knew I had the goods and I did not propose to let them down. I asked two or three others, also of the same crowd, if they thought I'd made a mistake, and they told me they thought the case was perfectly safe in my hands. Meanwhile I had talked with Darrow and Davis, and stood pat that both men must plead guilty. The matter of punishment did not interest me. I knew, and counsel for the defense knew, that if J. B. McNamara wanted to save the life of his brother he could help by coming forward. I told the citizens had another meeting. I knew all along that the proposals were Darrow's and I knew that."

"77"

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I had the goods. Thursday one of them called me up and said some of them might come to see me.

"If you have any influence with them, tell them to run along and tend to their own business," I said, and they did not come. Darrow and Davis came again, and they said they could not get the joint confession. I told them in that case I'd go ahead with the trial, and that I'd rather proceed with it anyway. Finally they said they would take my terms, and both men pleaded guilty. That is the history of the negotiations.

As far as the defense is concerned, yesterday's plea of guilty were again declared to have been brought about through the agency of a committee of influential citizens, and to-night members of a faction which is denouncing the move itself agreed heartily that the result was accomplished in this way. This fact turned out to be part of the grievance, on the ground that no representative of labor was on the committee which aided in bringing to pass an event considered of infinite moment to labor organizations throughout the United States.

Orie McManigal, who was to have been a leading witness for the state, and who is indicted jointly with J. B. McNamara for the dynamiting of the Llewellyn Iron Works, hopes for freedom, it was announced today.

Malcolm McLaren, representative of the special agency that brought about the arrest of the trio, said today that District Attorney Fredericks had promised to try to get him off and "would do his best." The penalty in California for dynamiting runs from one year to life.

McLaren said his information was that James B. McNamara declared he harbored no resentment against McManigal now.

Attorney Davis, who was in the corridor of the District Attorney's office, declined to comment on Fredericks's statement.

As to Bert B. Franklin, the defense investigator arrested on a charge of bribery, Fredericks said that the termination of this case might make a readjustment in counsel and said he thought perhaps ex-Governor Harry T. Gage, as counsel for the defense, might drop out and be replaced by Davis. "It is our duty to prosecute this case," he declared.

"If they ask a continuance Monday they shall have it," he said. He said he had not determined whether to recommend clemency for the McNamaras, but said that James B. McNamara would make a complete statement of the affair to the world. This statement, he said, might be given out the day of sentence, which is next Tuesday.

District Attorney Fredericks said he had not decided whether he would ask for clemency, but he added: "When a man pleads guilty, particularly in this case, it saves the state a great deal of money and work. The state always is willing to take this into consideration, and is inclined to look with leniency upon the offender."

Asked if it were true that the state had obtained from prospective witnesses money supposed to have been given to them in such quantities that the total practically equalled the amount of the rewards offered by the city, state and county, in all about \$50,000, Mr. Fredericks said it was "more or less true."

Effect of Franklin Arrest.

Many members of the District Attorney's staff were of the opinion that the defense had been forced to lay down its arms, as a result, not only of the evidence which was gathered by its men, but of the effect which a conviction in the Franklin bribery case might have upon the chances of the McNamaras. That the Franklin incident forced the acceptance of the compromise by the defendants themselves, is still believed in many quarters.

"We had a very strong case whatever way you look at it," said Assistant District Attorney G. Ray Horton.

On the other hand, those who participated in the movement to influence the defendants to yield through their counsel, hold that the McNamaras and their attorneys saw the handwriting on the wall and became convinced that a much better solution for all concerned than a trial could give, was reached by a mutual agreement at this juncture.

J. B. McNamara in Poor Health.

One of the factors which is said to have entered strongly into the matter is the physical condition of James B. McNamara, the younger brother. Fears have been expressed by some who knew him personally that, though he faces a life sentence, his years are numbered. Carelessness in the past for his physical welfare is said to have weakened his health.

John J. McNamara has admitted heretofore to friends that James has not taken the best of care of himself. The possibility of an appearance of heart trouble while the trial was in progress had been discussed by his counsel. Once, when a juror was excused on account of illness, Darrow, it is recalled, suddenly exclaimed: "How nothing happens to James B. He doesn't look well."

Pronouncement of sentence now is in the hands of Judge Walter Bordwell. The District Attorney can make recommendations, and usually they are accepted, but the court is by no means bound to impose the sentence suggested. Judge Walter Bordwell would not talk for publication today in this connection, but it is said he favors life imprisonment for James B. and a few years for John J.

The indictments against John J. for complicity in "The Times" disaster are expected to be quashed on motion of the District Attorney next Tuesday, as it is said John J. himself did not direct the blowing up of "The Times," while he has pleaded guilty to the charge of having caused the Llewellyn Iron Works explosion in which no lives were lost. The minimum sentence for this offense, according to statute, is one year, and there is no maximum penalty fixed.

Under the penal code Orie McManigal will be sentenced, as he is expected to plead guilty to a similar charge of having wrecked the plant of the Llewellyn Iron Works.

The total cost to the state thus far of the trial is estimated to be close to \$50,000, and the abridgment of it is calculated to save the county nearly \$50,000.

John J. McNamara and his brother, James B., had a busy day. Telegrams of various kinds began to pour in from friends expressing sympathy. Many believe that the McNamaras offered themselves as martyrs to a cause and became resigned to their fate on that account. The McNamaras maintained their cheerfulness today. The prisoners told the jailers they were glad that the ordeal was over.

MORE ARRESTS TO COME

Burns Says Others Are as Guilty as the McNamaras.

[By Telegram to The Tribune.] Chicago, Dec. 2.—Detective William J. Burns left Chicago this evening to take up once the trail which he hopes soon to end with the arrest of every man connected with the McNamara dynamiting gang. The detective refused to divulge his destination, but it is believed he went to Indianapolis.

Before his departure he intimated that the result of the guilty plea entered by the McNamara brothers might mean further arrests in San Francisco. He refused to make predictions as to when the arrests would come.

"That means the men who employed the

McNamara gang that blew up the Los Angeles Times Building," was suggested.

"Do you know them?"

"We know who they are. We know they will be arrested and others will be arrested who have a hand in the labor plots before we are done."

"They are being protected right now by the McNamara defense, but they will be found. I know they are in this country." Rewards totaling nearly \$200,000, which have been offered for the arrest and conviction of the Los Angeles dynamiters, are now payable to Mr. Burns and his detectives.

"I don't know how many of these rewards will be paid," Mr. Burns said, "but the reward money will be divided among my men who worked on the case. I would not care to say how many of them there are who will share in this division." He continued:

"We will soon have 'Dave' Kaplan and M. A. Schmidt, alias 'Smitty,' also wanted in connection with the blowing up of the 'Times' building, and there are a number of others. It would be injudicious for me to say how many or the nature of their position in organized labor, but I will say that there are other prominent men mixed up in this affair and I expect to have them all in the net before long. I expect an exposure of the worst part of unionism and the part that should be removed by the better element."

Labor leaders should have investigated the case before they cried 'frame up' and 'conspiracy.' Laboring men should have known that one of the men arrested and two others sought in connection with the case did not even belong to organized labor. J. B. McNamara was not a union man nor had he been for many years. Neither was Kaplan or Schmidt a union man.

Burns said to-night that the arrests of Kaplan and Schmidt would be made not long after his forthcoming visit to Los Angeles.

He added that sensational disclosures undoubtedly would follow this visit, which he will make in about a week or after he has made a trip to New York on another case. Just what future prosecutions or additional arrests would be made he declined to intimate, but he would not deny that the trail "went beyond Indianapolis."

Where Kaplan and Schmidt are is not known, Burns saying that the McNamaras knew where the two were living, and added that "you won't have to wait long now before they are taken in." He added that Chicago newspapers covered the territory between the Rockies and the Appalachians ranges they probably would be the first to report the news. This is his first intimation that the men are not, as reported, under surveillance by his operatives on the Pacific Coast.

Burns said he would leave here tomorrow or Monday for New York, return in three or four days, and then go immediately to Los Angeles. The future of the dynamiting cases, he said, hung on the desire of District Attorney Fredericks after the detective had summed up the evidence to him.

The witness, Frank Eckhoff, who was said to have corroborated much of Orie McManigal's confession, is now being safeguarded by Burns, according to the detective. "No one but me knows where he is," said Burns. "And I can't say now what use will be made of his information. He may testify in Indianapolis on December 19, but it is in the coast cases that his information is most valuable."

LABOR NO LONGER DOUBTS

All Hope That Reports of Confessions Were False Vanishes.

Labor leaders no longer doubt the story of the confession of the McNamaras, though on Friday evening many of them refused to believe that the men pleaded guilty.

The McNamara defense fund conference, which was to have held a mass meeting in the Labor Temple, 5th street, near Second avenue, on Thursday evening, will hold the meeting as called, but it will probably be a different meeting from the kind intended. Julius Gerber, secretary of the conference, said last evening that the previous evening he believed the story of the confession was a lie, but had now changed his mind.

"I must now believe the confession was made," he said. "I hope the public will give the unions fair play and realize that they would not countenance such acts. The fact that these men are guilty does not mean that they are typical union men, which they are not."

Bernard Kelly, business agent of the Ironworkers' Conference Board, consisting of twelve local unions, said he believed the McNamaras confessed, but he would not be sure they were guilty. They might, though innocent, have been surrounded by such a mesh of evidence that they had to plead guilty to save their necks.

"Believing them innocent," he said, "our national union contributed about \$1,000 to their defense fund. Each member of our local was also assessed 25 cents. If they are guilty, they did not represent organized labor."

President Percy Thomas, of the New York branch of the Commercial Telegraphers' Union, said the confession was a blow to labor, but it had its uses. Members of unions, he said, would now be so ready to allow their sympathies to run away with their judgment.

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"GOMPERS GUILTY MAN"

Continued from first page.

making American workmen appreciate better than they have ever done before how vitally necessary it is for them to keep the labor union movement free, even from every suspicion of sympathy with violence.

"I have been disappointed that organized labor did not make it more clear in reason and of reason that it condemned and abhorred such crimes as were charged against the McNamaras. Every one could understand that organized labor would stand by them until they were shown to be guilty; but many of the best friends of organized labor observed with sadness and condemnation of the note of continual indignation of the outrages charged, by whomsoever committed."

"The country is certainly fortunate in the confessions, which silence every doubt. I hope that the great body of law-abiding labor union men and their leaders will realize keenly now the dangers to their whole movement involved in acts of violence of every kind, and that they will spare no efforts in the future to keep the labor movement void of every such occurrence."

"Can't Pose as Martyrs Now."

Henry C. Hunter, commissioner of the National Metal Trades Association, representing about fifteen branches of the manufacturing metal industry, said:

"The confession of the McNamaras will, in my belief, have a good effect. The McNamaras cannot now pose as martyrs, and the unions will see that if they want to have the sympathy of the public they will not stand by criminals and blind themselves to the palpable guilt of such men as the McNamaras. They will realize that different tactics must be adopted if they wish to succeed as institutions."

"I would not for an instant assume that the rank and file of the unions approve of such methods, but they should not allow their belief in their unions to override their judgment. We have had disturbances in the trades I represent, but nothing at any time like the violence in the fight of the housewives for the closed shop. This confession of the McNamaras will show, or ought to show, the workers in the unions that if they want the unions to be of any permanent value they must put down all violence. The day when strikes could be won through violence is past, if it ever existed, as the workers by looking over the record of strikes for a number of years past could find for themselves."

The case of the McNamaras was discussed informally at the Builders' Exchange by prominent members of the Building Trades Employees' Association. No special action on the matter, however, will be taken by the association. C. G. Norman, chairman of the board of governors of the association, said:

"I am speaking for the rest of the employers in the association as well as myself when I say that no reasonable man doubted the guilt of the McNamaras. I knew of very incriminating evidence which would have been fatal to the defense, but which was not given out to the public. In all probability the advisers of the McNamaras learned of this, and, realizing the hopelessness of acquittal, counseled them to plead guilty. The rank and file of the men will learn from the speedy results of the arrests that they are too often misled, and that unions are sometimes less for the benefit of their members than for the sordid aims of their leaders. When self-confessed criminals get the labor union machinery in their hands the result will always be inimical to the unions."

Labor Men Call Them Traitors.

Calvin Wyatt, Gompers's right hand man and general organizer of the American Federation of Labor, said in the offices at Fourth avenue and 15th street yesterday that the McNamaras were the worst traitors who the world had ever known. Benedict Arnold and Judas Iscariot became heroes of angelic virtue by Mr. Wyatt's comparison of them to the McNamaras. Although he is noted for his antagonism to capital punishment, Mr. Wyatt hinted that it would give him pleasure to pull the rope around the McNamaras' necks.

Clarence J. Darrow's part in the confession and his using of it to come the day before the municipal election in Los Angeles puzzled labor leaders here.

"It looks to me as if there might have been some hidden reason for springing the confession just at this time," said Wyatt. "To-day is election day in Los Angeles. The fight is between Republicans and Socialists, with Job Harriman, one of the capitalists associated with Darrow in defense of the McNamaras, running for Mayor on the Socialist ticket."

"Knowing what the effect of such a thing would be on the Socialist candidate's chances, I cannot understand why Darrow should choose the eve of election as the time to announce the McNamaras' confession. Darrow is himself a Socialist. He defended Moyer and Haywood for us, and was our counsel in the case of James McNamara. Was there politics in the McNamaras' confession?"

Wyatt was asked about the fund of something like \$20,000 which labor unions

had raised to help the McNamaras. He said the fund was in the hands of a committee of the Federation in Washington, D. C., and that within a few days \$50,000 more would have been added to it.

"What will be done with this fund?" he was asked.

"The obligations we have assumed will be discharged just as if this thing had never happened," said he. "That is, the financial obligations. It is our duty to do that. As to returning the balance, I do not think there is likely to be much balance left."

FEDERAL ACTIVITY GROWS

Tracing Alleged Conspiracy to Transport Dynamite.

Indianapolis, Dec. 2.—Increased activity of agents of the Department of Justice in an investigation of an alleged conspiracy involving associates of the McNamara brothers illegally to transport dynamite from state to state was shown today.

United States Attorney Miller obtained from Judge Joseph Markley, of the County Criminal Court, an order for possession of a mass of records of the International Association of Bridge and Structural Workers. A draw of books and correspondence was taken from the vault of a trust company, where they had been held by the county authorities, to the Criminal Court Building, to await the resumption of the grand jury's inquiry on December 11. This evidence is in addition to a large parcel of records of the iron workers' association, already in the hands of the federal authorities.

Commenting on a report that the McNamara brothers might be brought here as witnesses in the inquiry, Mr. Miller said that no such action was contemplated, so far as he knew.

"I cannot say how many witnesses there will be," he added, "and certainly we will not now reveal the identity of any one of them."

"Manifestly it is improper for us to discuss now details of the ultimate scope of this inquiry," said Clarence Nichols, Mr. Miller's assistant.

Accountants have been busy with records and correspondence of the International Association of Bridge and Structural Workers in the grand jury's chambers since the documents were taken over by order of Federal Judge A. B. Anderson. Clocks, fuses and fuses and fuses and fuses in the vaults in the Federal Building. Many parcels of dynamite, also complicated machinery in charge of the federal authorities and remain in a secret depository.

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